

STATEMENT IN LIEU OF A REGULATORY FLEXIBILITY
ANALYSIS FOR SMALL BUSINESSES AND LOCAL GOVERNMENTS
DEPARTMENT OF TAXATION AND FINANCE

A Regulatory Flexibility Analysis for Small Businesses and Local Governments is not being submitted with this rule because it will not impose any adverse impact on small businesses or local governments. In addition, the rule will not impose any additional reporting, record-keeping, or other compliance requirements on small businesses or local governments. The rule does not distinguish between different types and sizes of regulated parties. This rule merely makes necessary regulatory changes in accordance with Chapter 93 of the Laws of 2002, enacted June 25, 2002, which authorized New York City to increase the New York City excise tax on cigarettes, and New York City Local Law 10, enacted June 30, 2002, which increased the New York City excise tax on cigarettes effective July 2, 2002. In addition this rule eliminates reference to a separate New York City only stamp that no longer exists, and updates the calculation of the basic cost of cigarettes to more realistically reflect such cost based upon the price of cigarettes in the current market. Further, the regulation ensures that commissions paid by New York State to licensed cigarette agents are preserved notwithstanding the New York City tax rate increase.

The following organizations have been given an opportunity to participate in the rule's development: the Association of Towns of New York State; the Deputy Secretary of State for Local Government and Community Services; the Division of Small Business of Empire State Development; the National Federation of Independent Businesses; the New York State Association of Counties; the New York Conference of Mayors; the Small Business Council of the New York State Business Council; and the Retail Council of New York State.